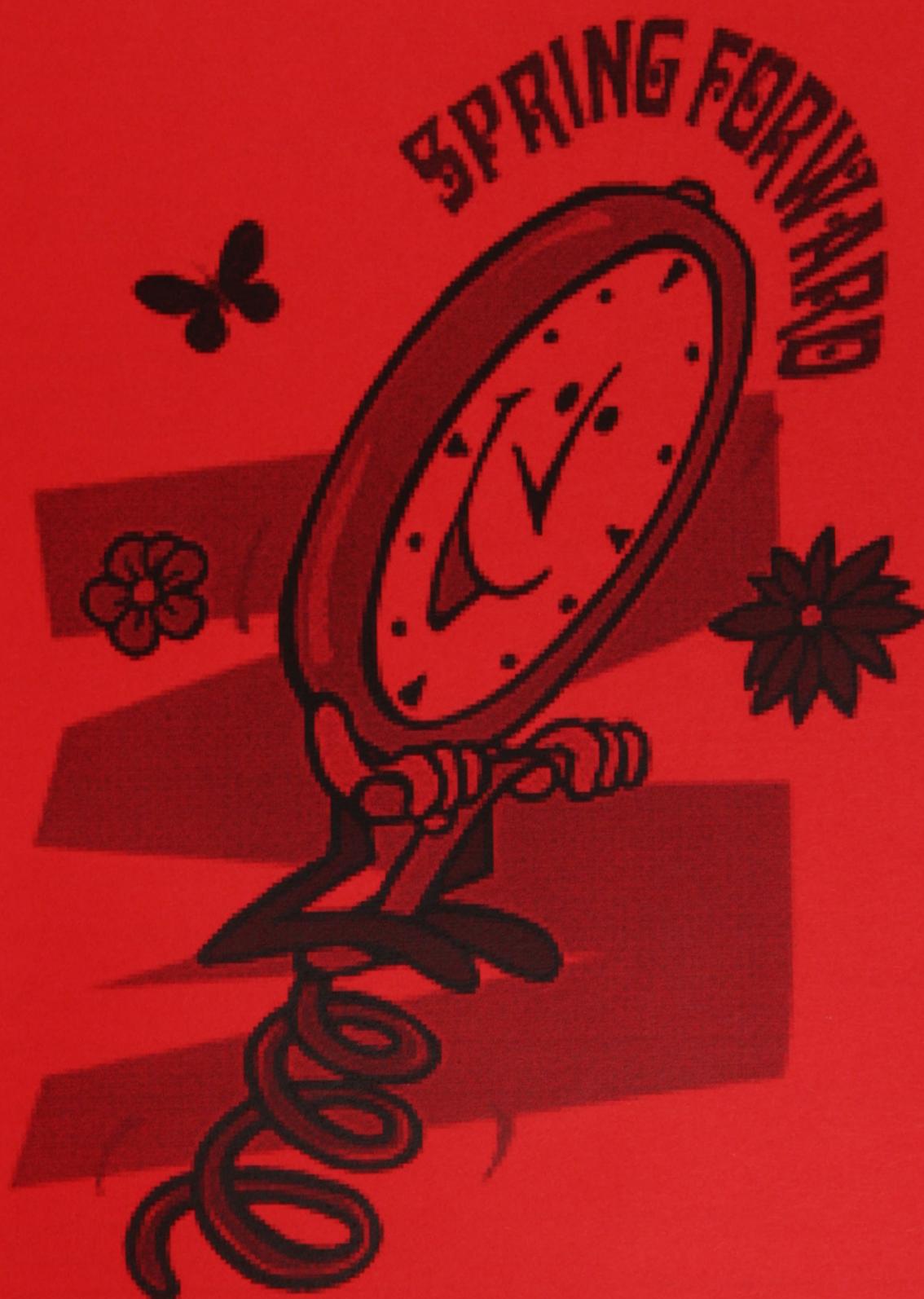


QUID NOVI

**Université McGill,
Faculté de Droit
Volume 30, no. 10,
10 mars 2009**

**McGill University,
Faculty of Law
Volume 30, no. 10,
March 10th, 2009**



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But it is not about the issues. Let them go. For me, my habits of mind, modes of feeling and way of living could likely be described as conservative, though I'm tempted to think I am merely argumentative. When I attended a private, Catholic boys school, or lived in small-town New Brunswick, it was my nature to push back, and so I would tend to come down more on the liberal side of

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Well, first I'll address my voting preferences. My vote reflects the problem with the left-right conception. I vote NDP because they are pro-community and pro-family, two tenets of conservatism, which Ms. Baron noted in her article. They are a party that is concerned with regular people who have regular jobs. I never understood how pro-big-business Conservatives could criticize the NDP for a stance with which their own ideology must agree. Of course there are other things the party stands for with which I do not agree. But now I am getting into capital letters, which is not really the point. Politics is a game played to win, so it is not in the nature of political parties to reflect with any realism the entirety of the hearts and minds of the voters. Just enough to get elected, or in the case of the NDP, just enough to feel good about getting a few people elected.

I am conservative in the regular, everyday meaning of the word--or at least I strive to be; cautious, patient, and reflective. I'm not a big fan of change, though I have uprooted my life in many ways (divorced, gone back to school, lived in three different provinces). I don't think any of these qualities should be negatively construed. A liberal might have them, too. But what liberal means at the faculty, or so it seems, aside from Jamie Gibson's thoughtful piece (and of course the many other truly complex colleagues with which I often share interesting and diverse discussions--let's not paint the whole cow with the same spray gun) seems to be self-certain, impatient, and dismissive? This is quite ironic since the very first words uttered

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Socrates and a Stimulus

by Léonid Sirota (LAW IV)

"In this trifling particular ... I appear to be wiser than he, because I do not fancy I know what I do not know."
— Socrates

Perhaps the most astounding feature of the present economic crisis, for me anyway, is the swiftness with which received economic wisdom has been jettisoned and indeed replaced with what was a year and a half ago seen as received economic madness. "We are all crass Keynesians now," according to the *Economist*. Or maybe to someone else; I don't remember. But it doesn't matter that I don't remember. Or maybe it does. After all, ignorance is my point here.

I willingly concede that I am in not an economist and am unqualified to tell whether Keynesianism actually makes sense in economic terms. But I would like to venture a little into epistemology, and to ask whether the stimulus fever that has seized the governments and legislatures of the world makes sense given the limitations on our knowledge. In other words: what might Socrates have thought of the stimulus?

Socrates' first great insight was that he really did not know very much at all. His second was that everyone around him did not know very much either. The first was odd but perhaps even endearing. The second was unforgivable, and he was put to death for it by the good citizens of the world's first democracy. It is unsurprising that this great wisdom, the acknowledgement that we are all quite ignorant, has never been very popular.

Not only religious, but also legal and social reformers of all persuasions have tended to assume that they knew how people ought to live, and that they were entitled to tell them. In the nineteenth century in particular, inspired by the ever-accelerating progress of the natural sciences and increasingly unwilling to recognise the limitations of human

knowledge and wisdom, such reformers have formulated ever more comprehensive regulatory schemes.

Arguably the most audacious such scheme was the centrally-planned economy of socialist dreamers. Under it the "unbridled competition" would be eliminated and the wise planners, using the insights of social sciences, would decide exactly who should produce how much of what, and for whom. Central planning invariably brought misery upon those who tried to live by it. Yet defenders of socialism always blamed this on the corruption of their ideals by the unscrupulous politicians who implemented them, rather than acknowledging the impossibility of any person or organisation to know and understand enough to create as much prosperity as the free market does by taking into account the knowledge of its every participant.

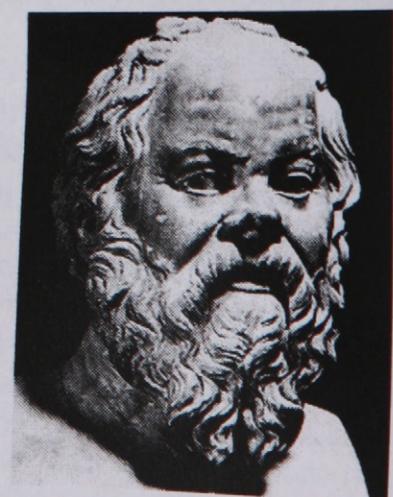
Some thinkers warned against the dangers of epistemological arrogance of comprehensive social reform. But Adam Smith's warning that "[t]he statesman who should attempt to direct private people in what manner they ought to employ their capitals would ... assume an authority which could safely be trusted, not only to no single person, but to no council or senate whatever, and which would nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it," was seldom heeded. Politics is of necessity a calling for men and women who entertain precious little doubt in their own suitability for the exercise of power. Few of them have ever been modest enough to resist the urge to legislate out of a conviction that they knew better than private persons to what ends the productive energies of society should be used.

And although public policy, whether by blind support for home ownership or low interest rates, contributed in no

small measure to the current economic crisis, politicians the world over are rushing to "stimulate" their countries' economies by legislating to whom banks ought to lend, from whom public works contractors ought to buy, what size cars ought to be made, and how much everyone involved ought to be paid. Which brings me back to my initial question: what might Socrates have thought of the stimulus?

I will not presume to know the answer. But I can imagine some questions Socrates might have asked of our politicians. What makes you think that you know what people should be doing better than those people themselves? What have you learnt in the past year and a half that makes you think you will succeed where all of your predecessors have failed? What part of human nature has changed so dramatically that epistemological limits no longer stand in your way?

Socrates would of course not have been put to death for asking uncomfortable questions today. Not in the West anyway. But I suspect that his words would go as utterly ignored as ever. An indication, perhaps, that human nature does not change as quickly as the idealists among us like to think. Frank Easterbrook observed that "[w]e live in a world where knowledge is scarce and costly, ignorance rampant." I would like to think our politicians come from another, better world, to bring us the plentiful knowledge they gathered there. But I doubt it.



MARK YOUR CALENDARS:

The *Arab Law Students' Association* and the *Muslim Law Students' Association* present

Shari'ah & the World today:

March 3: "Shari'ah and Modernity", with Professors Wael Hallaq and Khaled Medani. 6.00pm-8.00pm

Reception will be hosted. Refreshments will be served.

March 9: "Shari'ah and the Environment", with Professor Richard Foltz. 6.00pm-8.00pm.

March 10: "Islamic Finance", with Professor Mohammad Fadel and Mr. Guy David. 5.00pm-7.00pm.

All events will be held in the Moot Court.

For more information, please contact mlsamcgill@gmail.com.

Shari'ah and the World Today

by Faizel Gulamhussein (Law II)

Shari'ah is an Arabic word meaning "path" or "the way." The term is commonly used to reference the collection of Islamic Law. Islamic Law is generally much more comprehensive than what we, in western nations, are accustomed to when using the word "law." Islamic law, for example, includes provisions on hygiene, giving to charity, and the environment.

The Quran and the *Sunnah* (the sayings and doings of Prophet Muhammad) are clearly acknowledged as the primary sources of Islamic law. Interpretation of the Quran and veracity of the *Sunnah*, however, tend to be a source of ongoing debate within the Muslim community. Additionally, the validity of other sources of law continues to be questioned by leading scholars in the field. These variances have led to a plurality of legal and philosophical traditions within the Muslim community—the *Ummah*.

The diversity within Islam is too often overlooked by those who might be unfamiliar with the faith. In part, this is due to the media which tend to propagate one image of Islam. Similarly, *Shari'ah* has taken on a negative con-

notation in some circles due to the way in which we have come to understand *Shari'ah*. The stereotypes are pervasive and yet, too often, these are not the practices of the mainstream. Some practices, furthermore, predate the time of Prophet Muhammad and can be traced back to customary law rather than Islamic law. In other words, we often look to the fringes of *Shari'ah*, and consequently, we have yet to understand its essence.

Given the increasing connections between western nations and Islam, immigration and trade for example, it is important to understand how these connections can serve to benefit countries such as Canada. One possible benefit can be through the understanding and application of *Shari'ah* principles—not its stereotypes, but its essence. Islamic banking principles, for example, might add to our understanding of the financial sector and might help us better protect from large-scale economic crises, such as the one we find ourselves in today. It is in this context that the Muslim Law Students' Association of McGill University and the Arab Law Students Association of McGill have organised a conference series en-

titled "Shari'ah and the World Today". The first conference was held on Wednesday, March 4th at 18h00 and featured Professors Wael Hallaq and Khaled Medani discussing the key components of *Shari'ah* while providing the modern context. The second conference will be held on Monday, March 9th at 18h00 with Professor Richard Foltz addressing the topic of *Shari'ah* and the environment. Finally, the series will conclude on Tuesday, March 10th at 17h00 as Professor Mohammed Fadel and Mr. Isam Salah participate in a conference entitled "Islamic Finance: A Response to the Economic Crisis". All conferences are free and will be held in Room 100 (Moot Court) at McGill University's Faculty of Law (3660 Peel Street).

This series will be an amazing opportunity to understand how Islamic Law can contribute to the Canadian legal tapestry—alongside First Nations legal traditions, the civil law, the common law, and other legal traditions. All are encouraged to attend.

HOLLYWOOD STARTS FEUD AGAINST BOLLYWOOD

by Hirani Ram Thalavandarum, but you can call me Mickey

Following the 81st Academy Awards, just as the Indian film industry was about to celebrate its winning of eight Oscars for *Slumdog Millionaire*, it is now facing a 420-billion dollar lawsuit from Hollywood.

Bollywood, one of the largest film industries in the world, is based in Mumbai (formerly Bombay), India, and is recorded for the most part in the Hindi language. Bollywood films are well-known for their musical quality. In fact,

most typical Bollywood films use catchy dance sequences known as "item numbers," performed by attractive female characters (they are often not related to the main cast or the plot).

A group of Hollywood producers, directors, actors and other parties have collectively brought their action against Bollywood, alleging that the Indian movie industry's copyright infringement caused them a significant financial loss in revenue.

Despite the publication ban order, word about this lawsuit has leaked and is now all over the Internet. In particular, one online source worth noting is a 10-minute video clip showing the Hollywood and the Bollywood lawyers' pleadings. This clip is available on Youtube under "Hollywood v. Bollywood" (note: include quotation marks around the query). You can expect to hear more news about this trial on March 11th.

Lawyers Without Borders McGill presents

Round Table: For a World Without Borders

« Existe-t-il un rapport de complémentarité, d'indépendance ou d'ingérence entre les différentes organisations sans frontières ainsi qu'auprès des États dans lesquels elles interviennent ? »



CETTE ROCHE NE SERVIRA PAS À LAPIDER
AMINA LAWAL CONDAMNÉE À MORT POUR
AVOIR CONÇU UN ENFANT HORS MARIAGE.

ELLE A ÉTÉ ACQUITTÉE

PLAIDEZ AVEC NOUS. DEVENEZ MEMBRE D'ASF.

FRONTIÈRES
ASPHYXIE

Invités:

- Reporters sans frontières Canada
- Ingénieurs sans frontières Québec
- Clowns sans frontières Canada
- Avocats sans frontières Canada

Modérateur: Prof. Frédéric Mégret

Quand: Mercredi, 11 mars 2009, 12h30
à 14h

Où: Tribunal-école, Faculté de droit de
McGill, New Chancellor Day Hall,
3644 rue Peel

TABLE RONDE INTERDISCIPLINAIRE « POUR UN MONDE SANS FRONTIÈRES »

by Avocats Sans Frontières

Lancement d'ASF McGill à l'automne : merci!

L'automne dernier, un nouveau groupe a été créé à la Faculté de droit : Avocats sans frontières McGill. Comme vous l'aurez compris, ASF-McGill est une association universitaire de l'ONG Avocats sans frontières, un organisme dont la mission principale est de « renforcer la capacité des avocats des pays en développement à défendre les droits des personnes les plus vulnérables ou les plus à risque, notamment par le renforcement des intervenants de la justice et particulièrement des avocats » par le biais de missions à l'étranger et de campagnes de sensibilisation au Québec. Avocats sans frontières Québec concentre actuellement ses activités entièrement bénévoles en Haïti, en Colombie et au Nigéria.

Les cinq membres du comité exécutif d'ASF-McGill tiennent à vous remercier sincèrement de l'intérêt que vous avez manifesté pour le lancement qui a eu lieu le 6 novembre dernier. En effet, plus de 40 personnes ont assisté à la conférence donnée par Me Miguel Baz, Président du Comité exécutif d'Avocats sans frontières Québec, Me Hugues Suprenant, avocat ayant effectué une mission en Haïti et Renaud Gignac, VP aux stages internationaux de l'association ASF-Université Laval. Le Vin et Fromage qui a suivi a rassemblé une centaine d'intéressé-es et de curieux qui ont eu l'occasion d'échanger avec les conférenciers et d'en apprendre d'avantage sur l'organisation. Nous tenons d'ailleurs à remercier McCarthy Tétrault pour leur appui et leur générosité lors du lancement.

Table ronde interdisciplinaire « Pour un monde sans frontières »

Ce mercredi 11 mars de 12h30 à 14h00, une table ronde avec différentes

organisations « sans frontières » qui œuvrent au Québec aura lieu au Tribunal-école (*Moot Court*) de la Faculté de droit. Le but de cette initiative d'ASF-McGill est de rassembler ces différents groupes afin d'échanger sur le thème commun suivant : « Existe-t-il un rapport de complémentarité, d'indépendance ou d'ingérence entre les différentes organisations « sans frontières » ainsi qu'auprès des États dans lesquels elles interviennent ? ». Le Professeur Frédéric Mégret a accepté de modérer la discussion entre les représentants des organisations suivantes:

- * Avocats sans frontières
- * Reporter sans frontières
- * Ingénieurs sans frontières
- * Clowns sans frontières

Venez en grand nombre participer au débat!

Recherches dirigées

En plus de faire la promotion de l'ONG ASF sur le campus, ASF-McGill souhaite mettre sur pied et développer plusieurs projets. D'ailleurs, un des projets qui nous tient à cœur et qui consiste en l'encadrement de recherches dirigées créditées (*term-paper*) intégrées au cursus des étudiants pour le compte d'ASF est sur le point d'aboutir! Des professeurs de la Faculté spécialisés en droits humains et en droit international ont accepté de diriger dès cet été les travaux des étudiants sur des sujets de recherche fournis par Avocat sans frontières Québec. L'ONG se servira ensuite de ces recherches dans le cadre de missions à l'international. Il s'agit d'une excellente façon pour les étudiants de combiner leur travail académique à leur engagement pour les droits humains. C'est à suivre!

Impliquez-vous!

ASF McGill désire également vous rappeler que votre créativité et votre motivation pourront certainement être mis à profit dans le développement des futurs projets d'ASF, alors :

- si la promotion des droits de la personne vous intéresse ;
- si la lutte contre l'impunité vous tient à cœur, et ;
- si l'indépendance des avocats dans les pays en développement vous semble essentielle; NOUS VOUS INVITONS À COMMUNIQUER AVEC NOUS, À VOUS ENGAGER ACTIVEMENT DANS NOS ACTIVITÉS ET À NOUS FAIRE PART DE VOS IDÉES!

N'hésitez pas à nous écrire si vous voulez vous impliquez, désirez obtenir d'avantage d'informations sur notre groupe ou avez des idées/suggestions à nous soumettre.

asf.mcgill@gmail.ca

Le Comité exécutif d'ASF McGill



AVOCATS SANS FRONTIÈRES
LAWYERS WITHOUT BORDERS
ABOGADOS SIN FRONTERAS

There Is No Such Thing As A Stupid Question. Usually.

by Ryan Gallant (LAW I)

While the pages of The Quid are consumed by the Cégepian inferiority complex and the debate over the shortage of social conservatives ensues, I find that with each day that I walk into this building, something about one of my classmates amazes me. Each day, every day. Since September I have met students who speak myriads of languages, come from a multitude of cultural backgrounds and whose lives prior to McGill Law included everything from acting to police work, from working in refugee camps to fashion design. Being left in complete awe of these classmates has often caused me to wonder what the hell the Admissions Committee was thinking when they let me in into the faculty.

And yet, despite the abundance of diversity, somehow everyone seems absolutely blown away by the fact that I am from P.E.I.. If there is such thing as a positive stereotype, I have certainly been the victim of one over the past few months; "I love people from P.E.I.!", "My parents were there in 1982!", "I've always wanted to go to P.E.I.!" The twelve-hour drive from P.E.I. to Montréal has brought me closer to being a foreign-exchange student than I've ever been in my life.

Based on the questions I get asked on a daily basis, it becomes apparent that the knowledge that most students here have about P.E.I. is limited to the P.E.I. Potato Marketing Board decision. With this being the case, I figured that a poorly written article in The Quid, written with the intention of clearing up some of these queries, would be a better attempt than none. So here is a crash-course on P.E.I. Islandology. The following questions are all questions that I have actually been asked.

"Do you know Anne of Green Gables?"

Actually no. She is, in fact, a fictional character whose stories are set in the early 1900s. So if she were real, she'd be dead.

"Is Anne of Green Gables a bigger deal in P.E.I than it is everywhere else?"

Actually, Anne is a lot bigger in Japan than she is elsewhere. Thousands of Japanese tourists flock to P.E.I. every summer to see Anne's (fake) house and watch her (fictional) musicals. It is a pretty big deal in P.E.I. though, at least economically. Dozens of my friends have played Anne, Diana, or some other character in some capacity at some point in their life. This total immersion in "Anne culture" explains, at least in part, the angst that both my fellow Islanders and myself have towards her.

"Can you jog around P.E.I. in, like, a few hours?"

Eff sakes. P.E.I. is a small island, but it's not a sandbar. By area, P.E.I. is about 11x the size of Montréal. Depending on how heavy your foot is and on how familiar you are with the speed traps on the Trans-Canada Highway, you can drive from tip to tip in about three hours, give or take.

But you would be right if you guessed that P.E.I. has a small population. The most recent census sets P.E.I. with a population of 139,818 (139,817 now that I'm gone).

"Why the hell does P.E.I. have four seats in the House of Commons?"

First of all, it's not my fault, so stop

yelling at me about it. But, seeing as the population of P.E.I. is only slightly larger than the population of a city like Trois-Rivières, it's a good question. To my understanding, after refusing to join Confederation (following a meeting concerning Confederation which we hosted), we figured we'd shop around, maybe join the States, build an insolvent railroad and I guess whatever else they used to do back in 1870 (growing potatoes would likely be a good guess). But then John A. and the other Upper Canadians came down for another visit, and among other things, promised to assume the colony's debt, buy the land of the Island from absentee landlords to give to us, build a bridge (we had to use federally-funded ferries until the bridge was built in 1997) and give P.E.I. what is probably the most ridiculous disproportionate representation in Parliament. Not exactly a hard sell. So, Islanders said: "To hell with this," (a common Island phrase) "why work if we can get it all for free?" (also a common Island phrase). The Island has been drawing pogey and equalization payments ever since.

"Can you swim at the beach in P.E.I.?"

I'm going to assume that you mean in the summer. According to oft-repeated tourism material, P.E.I. has the warmest water north of Virginia (although I would have expected the warmest water north of Virginia to be a few feet north of the Virginian border, but I digress). So yes, you can swim at the beach in P.E.I.

Unless you are a wuss, and if you had to ask this question, I'm guessing that you probably are.

"Is there much ethnic diversity in P.E.I.?"

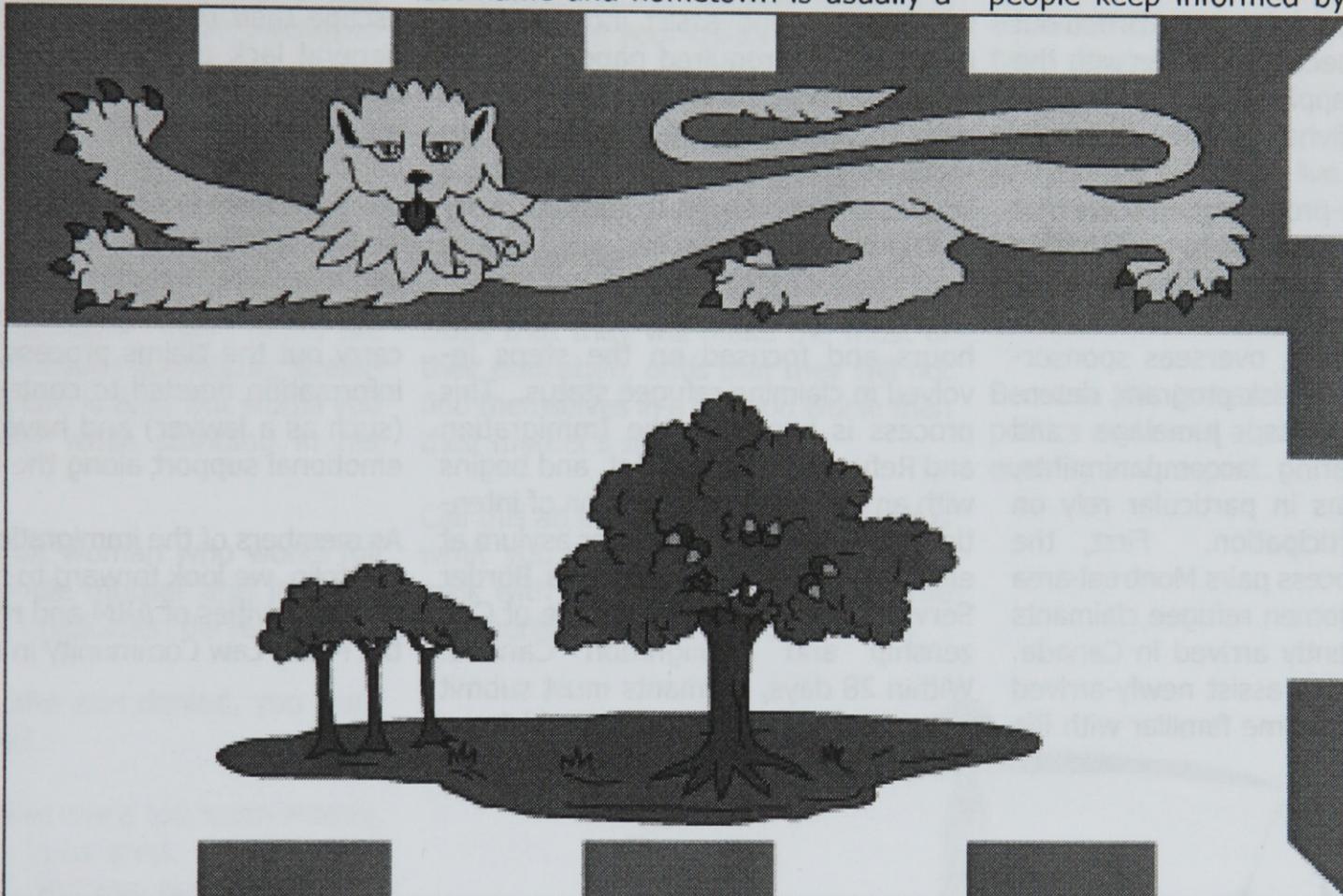
Not unless you consider species of trees as 'diversity'. The majority of P.E.I.'s population is of European descent. In the absence of diversity, Islanders have adapted to this racial vacuum by having the Catholics make fun of the Protestants and the Protestants make fun of the Catholics, and collectively, we all make fun of CFAs ("come from aways"). Favorite targets of ours, as some Torontonians in the

There are some paradigmatic shifts as well. The concept of 'open bars', a concept that is so prevalent here in Montréal, would be completely lost on most of my friends and family. No one is stupid enough to advertise 'free alcohol' at any event in the P.E.I. None of the bars have a capacity of 139,818 anyway.

When it comes to politics, there are only two issues in P.E.I. Only one person, who wasn't Liberal or Conservative, has been elected, ever. And your last name and hometown is usually a

girl that was in your first-year History class. Sure, there are drawbacks if you have a penchant for macking on randoms on the dance floor and therefore seek anonymity, and sure, some fights break out now and again, but it's nothing serious. No one is going to get knifed or anything.

P.E.I. is the kind of place where anyone who can, comes home for Christmas and for at least a few weeks in the summer. It may sound a little morbid, but people keep informed by listening to



Faculty have already learned from me, are the Upper Canadians.

good indication of how you voted. Seriously.

I also feel that P.E.I. has a good hold on old-fashioned, family-oriented community-ness. I mean, I am sure there are strong communities all across Canada, but the Island seems unique. The bar scene, for example, is a million times different in P.E.I. than here in Montréal. Stumble into any one of the thousands of bars here and you'll run into the same bunch of non-descript douches and ditzes who scowl and push and curse at you, often in a language you don't understand. Stumble into any of the five main bars in Charlottetown and you're suddenly at a party with a ton of your friends; the kids you went to elementary, junior and high school with, undoubtedly some family and that cute

the obituaries on the radio every day. In my mind, that's how it's supposed to be: you are welcomed into the world, spend your life among, and are bid farewell by your friends. And a few summers in the sun in the meantime never hurt anyone.

So go ahead. Call me backwards and backwoods. And you can keep your fancy New York corporate law offices and metropolitan city centers. I'd trade a thousand CN Towers for a good bag of potatoes, a day at the beach, a night of camping and a few beers with friends at a bar in P.E.I.

Dialect is one of these differences. For example, my parents 'wash' clothes instead of washing them, my Dad wears 'short pants' in the summer, when we were kids, they bought us 'kitbags' to carry our books in and when there is ice on the driveway it is 'slippy'.

Action Réfugiés Montreal Training for Immigration/Refugee Portfolio Members

by Ariane Vincent (LAW I) and Helen Nowak (LAW II)

On Saturday, January 31st, several members of the HRWG Immigration/Refugee Portfolio attended an Action Réfugiés Montreal (ARM) training session for volunteers. The purpose of participation in this session was to learn about the work carried out by ARM, and become familiar with the processing of applications for refugees in Canada.

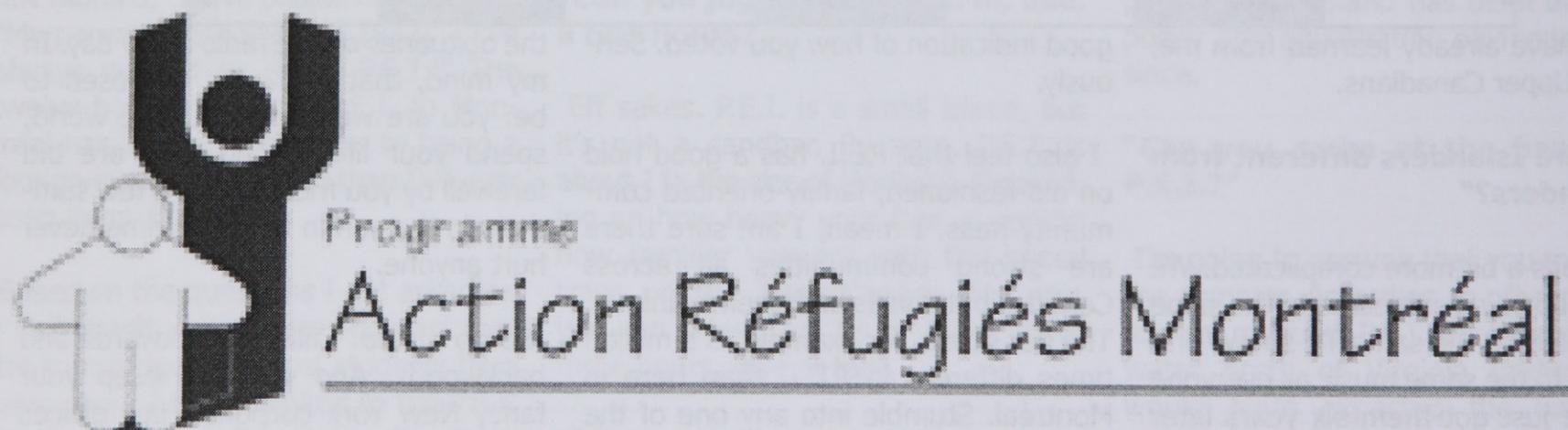
ARM is a non-profit organization that has worked since 1994 to seek justice for refugees in vulnerable positions. Their mandate involves assistance for refugee claimants, overseas sponsorship, a women-at-risk program, detention centre visits, jumelage and detention hearing accompaniments. Three programs in particular rely on volunteer participation. First, the "Jumelage" process pairs Montreal-area women with women refugee claimants who have recently arrived in Canada. The purpose is to assist newly-arrived individuals to become familiar with life

in Canada, and lend support for the day-to-day activities common in Montreal. Second, visits to the Immigration Prevention Centre in Laval aim to provide detained persons with support and information about the refugee application process and assist individuals in preparing the required paperwork. Finally, the court accompaniment service aims to provide emotional support to those attending hearings and provides a source of information to ARM in order to improve their services.

The training session lasted close to four hours and focused on the steps involved in claiming refugee status. This process is based on the Immigration and Refugee Protection Act, and begins with an individual's declaration of intention to seek refugee status or asylum at either a port of entry (Canada Border Services Agency) or at an office of Citizenship and Immigration Canada. Within 28 days, claimants must submit a Personal Information Form, which ex-

plains the situation experienced by the individual that supports a claim for refugee status. Very often, completing these forms is difficult for claimants due to language constraints, emotional fears of revealing the reasons they needed to escape their respective countries, and general lack of knowledge about the bureaucratic system inherent in government. Also, due to the sometimes volatile situation at home, claimants are often distrustful of government officials. Action Réfugiés Montreal volunteers aim to ensure that claimants are aware of the actions they must take in order to carry out the claims process, have the information needed to contact support (such as a lawyer) and have access to emotional support along the way.

As members of the immigration/refugee portfolio, we look forward to taking part in the activities of ARM and reporting to the McGill Law Community in the future.



Legal Aid

by Anthony Morgan (LAW I)

It hurts me to hear my peers cower and jeer when discussion is raised about improving Quebec's system of legal aid, which has been frozen for years.

I overhear comments about the inefficiencies such a program might create, but which i ask is better, never having your voice heard or simply having to wait?

Why is the default position to say no to such an endeavour, have any of us here even been denied access to justice? I would venture to say never.

Yet still the opinions I have heard are expressed with such conviction, speaking in the atrium is easy but would you say the same while standing in her kitchen?

Her being that woman who works full time, is a single mother and just had her legal aid application denied.

The reason she was denied, you want to know why?

Well she makes much too much money, for her claim to be tried. After all \$40 000 can buy quite a bit, such lavish luxuries as a rented room that's heated and lit.

With all that money, legal aid for her should not even be considered, God-forbid she get that child support money she needs for food, bills and a babysitter.

How dare she think that she can cry freely in our courts, she better go on welfare before she can do anything of the sort.

Because we here have a firm rule, in our provinces our courts are only for those who've attended great schools...

So you're an immigrant and are being discriminated against by your boss? Well boo hoo for you too, you want your

day in court, start by taking this here cloth.

If you can afford to wake each morning just after dawn, to clean offices, scrub toilets, cut lawns and do other thankless jobs, then surely you can bear cost of legal fees worth half your salary and which worsen your child's odds...

Odds that they will one day mount out of poverty's crushing grip, odds that crime and violence won't be a life into which they slip.

Odds that they will make the most of their education, odds that they will not find themselves in a position worse than their mother's situation...

Call this an over-dramatization, say it is what you will, then afterwards come walk with me to the MLIC or to some communities not too far from McGill.

After a few conversations you will see that this is not simply about legal aid, and has something to do with restoring greater agency and self worth to people who've started to see society as being utterly depraved.

The policy offers an opportunity for greater engagement of marginalized voices, people of the working poor who, like you and me have made some good and bad choices.

So let us not let our privilege be used to punish them for the lot that they've been given;

Let's see beyond the privilege we have and are going to later live in;

Let's support Alex Shee as he advocates on our behalf for better legal aid in Quebec.

Because this is less about money and politics and more about human dignity, equality and respect.



L'aide juridique au Québec: Un enjeu assez important pour notre Faculté?

by Alexandre Shee, Vice-Président aux affaires externes, AÉD (LAW II)

Depuis le début de l'année, je travaille à représenter les étudiants et étudiantes de la faculté sur un grand nombre d'enjeux à travers la province et au sein de notre université. De plus, je me suis donné le mandat de tisser des liens forts avec les autres facultés de droit du Québec, tâche négligée depuis bien des années! J'ai travaillé à bâtir et à renforcer nos relations avec elles et j'ai organisé des activités visant à nous unir et à nous rendre plus solidaires. Ces actions ont permis d'établir des liens durables.

Dans le cadre de mon rôle de vice-président aux affaires externes de l'AÉD, j'ai aussi eu à siéger comme votre représentant sur divers comités dont la Commission des affaires francophones, le Conseil exécutif du Président de l'SSMU, et le Conseil de l'SSMU. Toutes ces rencontres m'ont permis de bien comprendre comment avoir un impact et nous ont permis, comme l'AÉD, d'avoir une voix.

Depuis mon arrivée à la Faculté de droit, je me suis demandé comment laisser un impact positif sur ma faculté ainsi que sur ma communauté (montréalaise, québécoise, canadienne). Je me suis posé deux simple questions : Comment puis-je avoir un impact positif sur ce monde si les seuls outils dont je dispose sont ma bonne volonté et ma voix? De plus, je me suis demandé : Comme futur avocat, quels devraient être mes préoccupations sociales? Puis, je me suis penché sur ma propre expérience pour essayer de trouver des réponses.

Je suis né d'une femme intelligente et éduquée, mais peu fortunée, à Los Angeles. Elle m'a élevé seule sans aide. Elle travaillait 16 à 18 heures par jour pour que nous puissions vivre et que je puisse fréquenter de bonnes écoles. Nous vivions dans un quartier défavorisé, où les gens partageaient des situations similaires ou même pires. Beaucoup de femmes et d'hommes de

ce milieu n'avaient ni espoir ni dignité. Le milieu de travail et la stabilité de leur vie de famille étaient régis par la loi du plus fort. Ces gens étaient privés de leurs droits, car ils n'avaient ni accès à l'aide ni connaissance de leurs droits.

Au Québec, nous ne sommes pas aux États-Unis. Nous ne sommes pas dans une société qui laisse le marché régir le système juridique. De plus, nos valeurs sincères prônent l'idée que toute personne doit pouvoir accéder à la justice. Notre société est conçue selon des principes d'égalité et selon la croyance que nous prenons les moyens pour les atteindre.

L'aide juridique est un outil essentiel pour établir une véritable équité et pour donner une voix à ceux qui vivent dans l'injustice. Mais le système est présentement menacé. Comme un professeur l'a si bien dit : « Il faut vivre dans une boîte afin d'accéder à l'aide juridique au Québec ». En fait, les seuils d'admissibilité ne couvrent même pas les gens qui travaillent au salaire minimum, 40 heures par semaine, afin de vivre. Une femme travaillante et dédiée comme ma mère n'aurait pas pu accéder à la justice et aurait pu perdre tout moyen de nous faire vivre si elle avait eu à mener une action légale. De plus, le système actuel est débordé. Il a besoin d'être révisé et amélioré.

L'accès à la justice est un principe fondamental de notre système judiciaire. Un élément qui permet à toute personne de dénoncer des injustices. Mais qu'est-ce qui arrive quand nous n'avons plus de voix ? Qu'un système devient monopolisé par les moyens et non par la valeur d'une cause? Au Québec, il n'y a pas eu de réforme concrète de ce système depuis les années 1970. Récemment (2007), il y a eu des réformes minimales qui n'ont pas solutionné le problème, mais vont dans la bonne direction: augmenter l'accès à l'aide juridique.

Présentement, les associations en droit du Québec ont décidé dans le cadre de La Confédération des Associations Des Étudiantes en Droit (CADED) de faire front commun afin d'améliorer la situation des Québécois et Québécoises qui n'ont pas accès à la justice. Voici une opportunité de dénoncer l'injustice créée par un système qui ne permet pas aux plus démunis et vulnérables d'avoir accès à l'aide juridique. La proposition est à l'effet que le seuil minimum de l'aide juridique soit fixé sur le salaire d'une personne travaillant au salaire minimum 40 heures par semaine, que l'admissibilité soit déterminée de façon mensuelle et que l'indexation annuelle soit maintenue. Trois propositions simples afin de faire un premier pas dans la bonne direction.

Il est donc maintenant temps de répondre: Est-ce que vous croyez que votre association étudiante devrait prendre une position favorable sur cette question? À vous de décider et de nous dire quoi faire. Le **lundi 16 mars**, vos représentants auront à voter sur l'adoption de cette proposition. Faites entendre votre voix et vos opinions ! Discutez avec vos collègues et décidez si nous devrions joindre ce mouvement d'étudiants qui se positionne pour un système plus juste et plus équitable !



PALESTINIAN HUMAN RIGHTS WEEK IN THE FACULTY OF LAW

March 11-18, 2009

by The Palestinian Human Rights Week Organizing Committee

In the past two months, a lot of Quid articles and hallway conversations have discussed the issues of Israel and Palestine. However, 500 word articles and 2 minute conversations always seem to leave things truncated.

The spotlight has been on Israel and Palestine in the past two months due to the Israeli military campaign in Gaza, and the resulting humanitarian crisis as well as an Israeli election which could have serious repercussions for an eventual peace agreement. While some students in our faculty are tired of discussing the issue, others seem to want to know more, and learn about what's going on beyond a cursory introduction.

A coalition of student groups has been meeting for the past month to plan Palestinian Human Rights Week in the

Faculty of Law. Our event schedule is not finalized yet, but we have plans to include:

- A panel featuring an Israeli and a Palestinian speaker discussing human rights in the region.
- A vernissage and photo exhibit of images from an Israeli photographers' collective that document non-violent activism and resistance to the occupation.
- A movie night

Our goals for the week include contextualizing the ongoing human rights violations in Palestine by viewing them through the lens of international law. We want the week to focus on Palestinian human rights, and we are writing this open letter in advance of the week

to encourage students or student clubs interested in helping to organize events to contact us at phrw.mcgill@gmail.com. Beyond the events we've already planned, we are open to collaboration and hope to shine a spotlight on the human rights violations that the occupation has brought to Palestinians.

Sincerely,

The Palestinian Human Rights Week Organizing Committee**

**(Note: PHRW has received endorsements or contributions from: The Arab Law Students' Association, Human Rights Working Group, Muslim Law Students' Association, Radical Law Students' Association, and Young Jews for Social Justice.)

Putting Human Rights Back in the Quid

by The Human Rights Working Group

The Human Rights Working Group has introduced a new initiative to encourage McGill students from across all disciplines to discuss human rights in one of the best independent forums our student community has – the Faculty of Law's Quid Novi newspaper! Whether you think human rights are a sacred dogma or a neo-imperialist imposition, we want to hear your voices. The Human Rights Working Group encourages submissions pertaining to topics relating to any of its portfolios and beyond. We welcome your thoughts, both academic and personal, on issues of international justice, education,

equity/access, public health, refugees and immigration, and more. The Quid Novi is a wonderful way to become a published writer, so let the human rights debate begin!

If you have any submissions or questions, please contact sarah.flatto@mail.mcgill.ca or emma.siemiatycki@mail.mcgill.ca.

DROIT À L'IMAGE

by Charlie Feldman (LAW I)

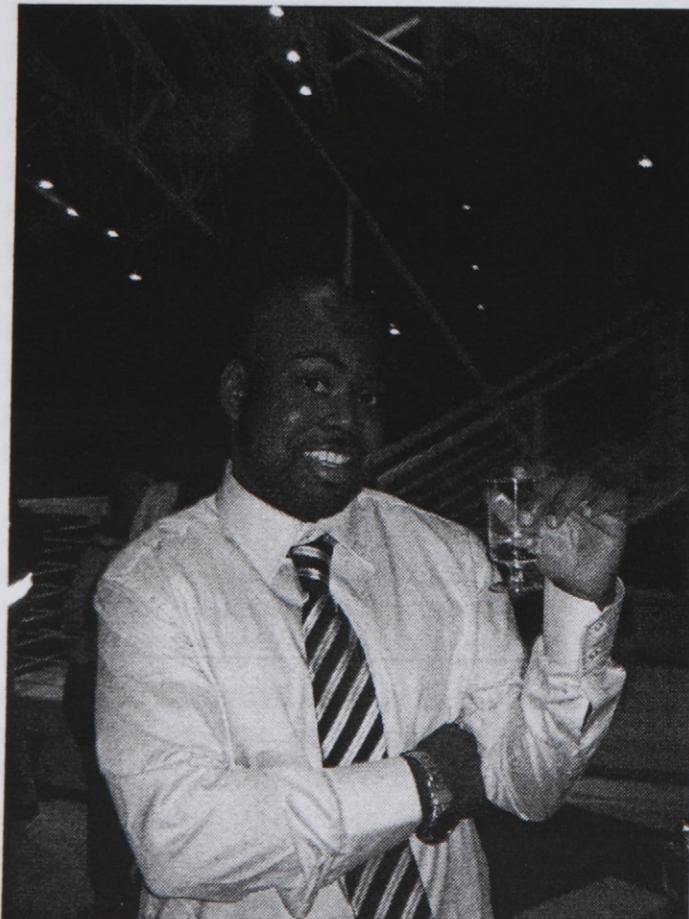


Des étudiants en droit parlent avec des représentants de l'Association du Barreau canadien dans l'atrium. Un étudiant nous a dit « Les gens du Barreau sont formidable – et la bouffe n'était pas mal ». Le Quid roule ses yeux.

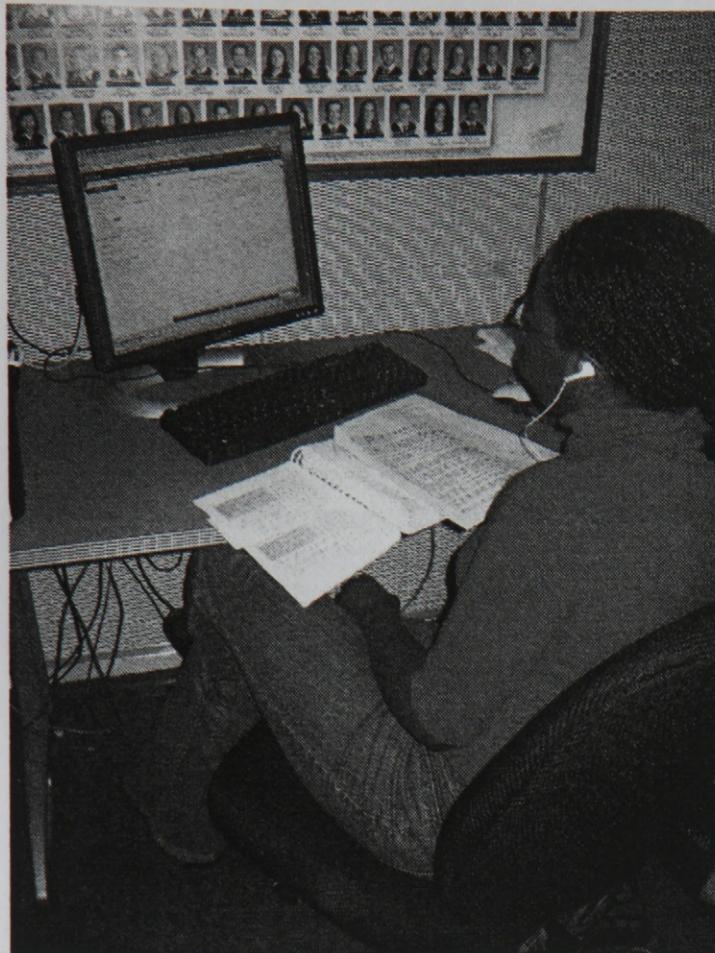


The Quid stumbled upon Skit Nite practice in full swing in the Moot Court Given the recent Oscar success of Slumdog Millionaire, could it be time for a Hollywood vs. Bollywood rematch?

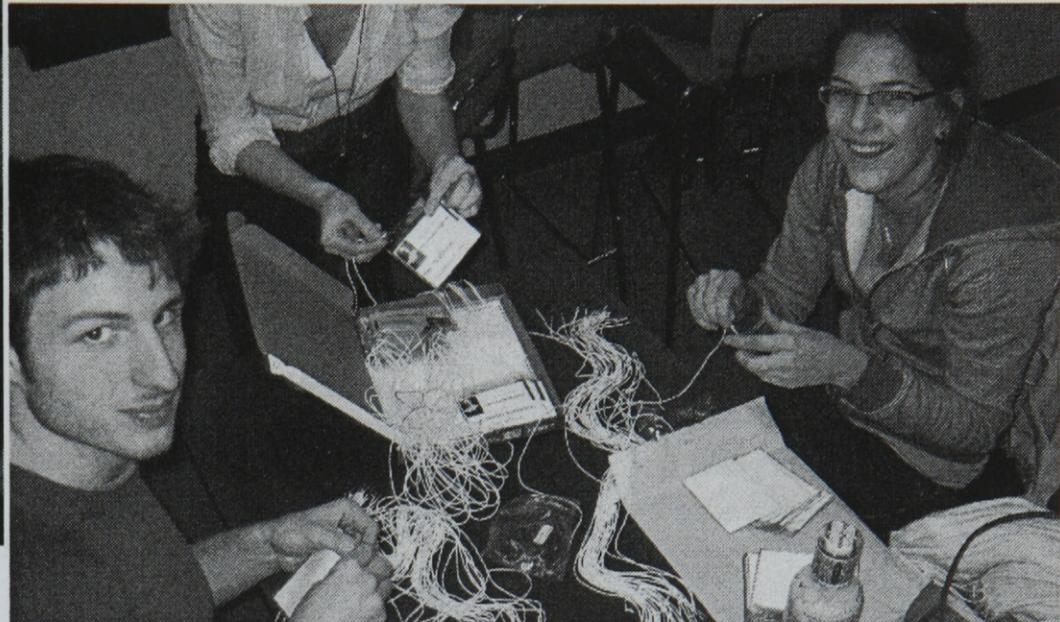
1L Anthony Morgan lors d'un coffeehouse récent. Le Quid demande pourquoi on l'a nommé 'coffeehouse' (maison de café?) s'il n'y a pas de café. Même si il y avait de café à coffeehouse, est-ce que cela sera la boisson de choix pour ceux qui y sont? Le Quid le doute...



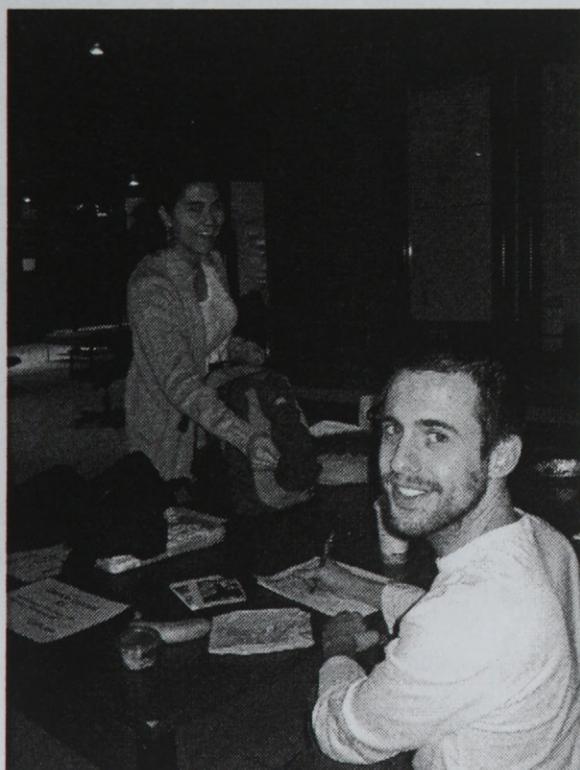
1Ls Catherine Saine, Jessica Syms, and Cassandra Marcotte enjoy home-made cookies. They may have offered The Quid one... and now this photo is here.... Not that we have low journalistic standards, but The Quid puts the 'quid' in QUID pro quo!



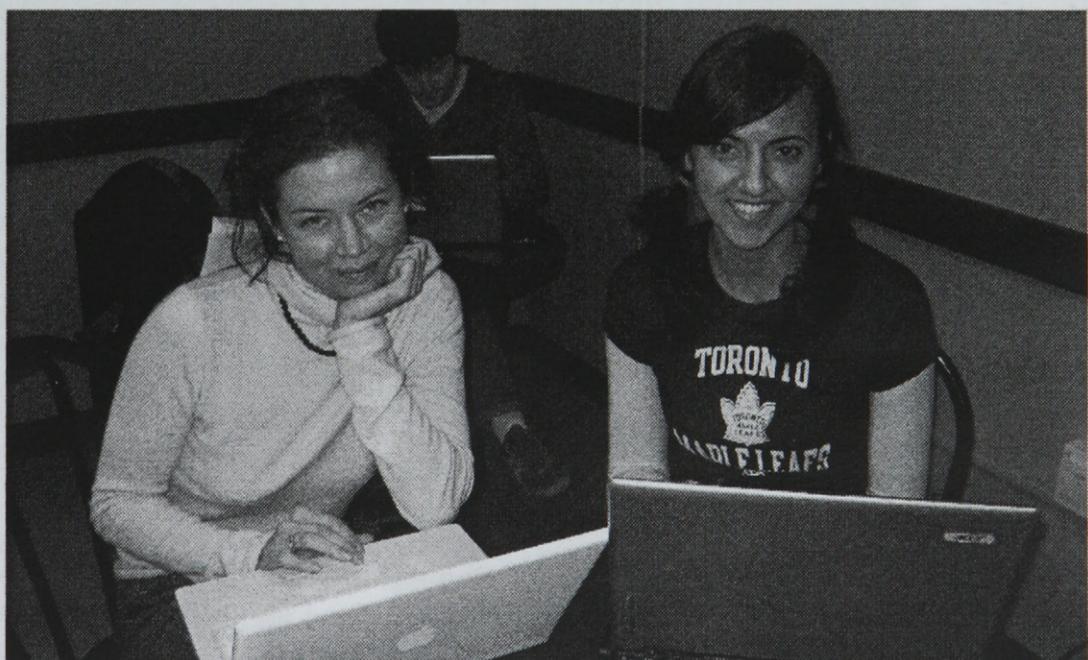
This Westlaw romance moment was captured during the factum period. The Quid hears many 2Ls are experiencing post-factum Westlaw depression; however, they shouldn't feel too sorry for Westlaw, which is receiving ample attention from 1Ls writing their legal meth memos.



Les étudiants préparent des matériaux pour une conférence. Avec tout ce ficelle, Le Quid commence à chanter « I've got the world on a string – sittin' on a rainbow ». Le NCHD est-il vraiment un arc-en-ciel ou est-ce que le Quid a passé trop de nuits blanches...



1L Chiara Fish buys a cookie gram. Not to make any comments about the Quid's love of cookies, but the Quid can't think of a better way to spread the love.. or, umm, lard... :-) "I love you, now get fat" is the Quid's idea of a *sweet* nothing!



2Ls working on the factum. The Quid heard a lot about the factum, and wonders if it was all a cover-up. Is it really "No, I can't, I have the factum" or is this the new way of finding out he's just not that into you? Has "working on the factum" become the new "It's not you – it's me?" ... The Quid will never know....

Palestinian Human Rights Week in the Faculty of Law

by Nour Dib

En décembre et janvier derniers, l'offensive militaire israélienne sur Gaza a causé la mort de 1440 Palestiniens, dont 431 enfants¹. La souffrance du peuple palestinien ne se réduit malheureusement pas à cette récente violence, malgré son atrocité. La souffrance du peuple palestinien émane aussi de l'étranglement quotidien auquel ce peuple est assujetti à travers la violation continue de ses droits les plus élémentaires.

In this context, a coalition of five student groups – the Human Rights Working Group, Arab Law Students Association, Radlaw, Muslim Law Students Association, and Young Jews for Social Justice – joined together to host "Palestinian Human Rights Week" in the Faculty of Law. The week will take place from Wednesday March 11th to Wednesday March 18th, and will feature three key events: a photo exhibit in the atrium (Wednesday March 11th – Wednesday March 18th), a panel (Monday March 16th), and a movie screening followed by an open mike session (Wednesday March 18th).

The coalition at the basis of Palestinian Human Rights Week consists of students of different backgrounds who are united in their respect for international law and in their pride in the Faculty's long-standing tradition of human rights scholarship. The events taking place during the week therefore adopt the perspective of international law. We are anchoring our discourse in principles recognized by all nations in the hope that this will encourage students to engage in a rational and respectful dialogue on issues raised by our events.

Palestinian Human Rights Week will open with a photo exhibit featuring the work of a collective of Israeli and international documentary photographers. Selected pictures will focus on human rights issues in Israel/Palestine, and will be grouped in thematic

sections, each focusing on a violation of international law as stated in the Geneva Conventions. The photo exhibit will be officially launched with a vernissage in the atrium on Wednesday March 11th from 12:30-2:30 (universal break). Students attending the vernissage will have the pleasure of listening to a live Klezmer band, and will enjoy fresh Arabic coffee and vegan food provided by the Midnight Kitchen.

The week's second event is a panel entitled "Defending Palestinian Human Rights across Borders: an Israeli and a Palestinian Speak" which will take place on Monday March 16th at 6:00 pm in the Moot Court. The invited speakers are Yoana Gonen and Sami Al-Kilani. Yoana is an Israeli activist and journalist, and the current spokesperson for Hadash (the Israeli Jewish-Arab Socialist Party). She was also one of the founders of Kvisa Shchora (Black Laundry, Israeli Queers against the occupation and for social change) in 2001, and has been a member of groups such as the Coalition of Women for Just Peace. Yoana's lecture will cover the history and social context of the Israeli peace and social change movement, and will discuss the political situation in Israel in the wake of the 2009 elections, including the collapse of the Zionist left, the rise of the radical right, and the possibility of a new "Loyalty Law", targeted against Arab citizens of Israel. She will also address the potential role of Canadians and of the international community in the region's political situation.

Sami Al-Kilani holds a Master's of Social Work from McGill and was a physics and science education professor at An Najah National University in Nablus. He is the director of the UNESCO chair on human rights and Democracy. Mr. Al-Kilani was the co-founder of the Israeli-Palestinian Dialogue Group in Nablus and West Jerusalem and served as a delegate in

the Middle East Peace Talks, Madrid Conference in 1991 and Washington D.C Bilateral Talks between 1991 and 1993.

Mr. Al-Kilani's lecture will cover the history of the non-violent resistance to the Occupation in Palestine and the effect of the Occupation on Palestinian students' access to education. He will speak about his personal involvement in the non-violent struggle, including how this involvement caused him to spend time in an Israeli prison. He also has much to share about his lengthy experiences in Palestinian/Israeli dialogue and negotiations. Finally, he will draw on his experiences as professor at the largest University in the West Bank to talk about access to education in Palestine.

Pour clôturer la Semaine des droits de l'homme palestiniens, une séance de projection de film aura lieu le mercredi 18 mars à 18h00. Le choix du film reste à confirmer, mais il s'agira selon toute probabilité de « *Encounter Point* », un documentaire portant sur la résistance non-violente à la fois des côtés israélien et palestinien. Tel que son titre laisse entendre, ce film visera à promouvoir un esprit de dialogue. À cet effet, la projection sera suivie d'une période de questions à micro ouvert. Nous inviterons alors les assistants à partager leur point de vue sur les questions posées par le film.

Nous espérons vous voir en grand nombre à tous ces événements!

¹United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Field Update on Gaza from the Humanitarian Coordinator: 3-5 February 2009*, available from http://www.ochaopt.org/documents/ocha_opt_gaza_humanitarian_situation_report_2009_02_05_english.pdf



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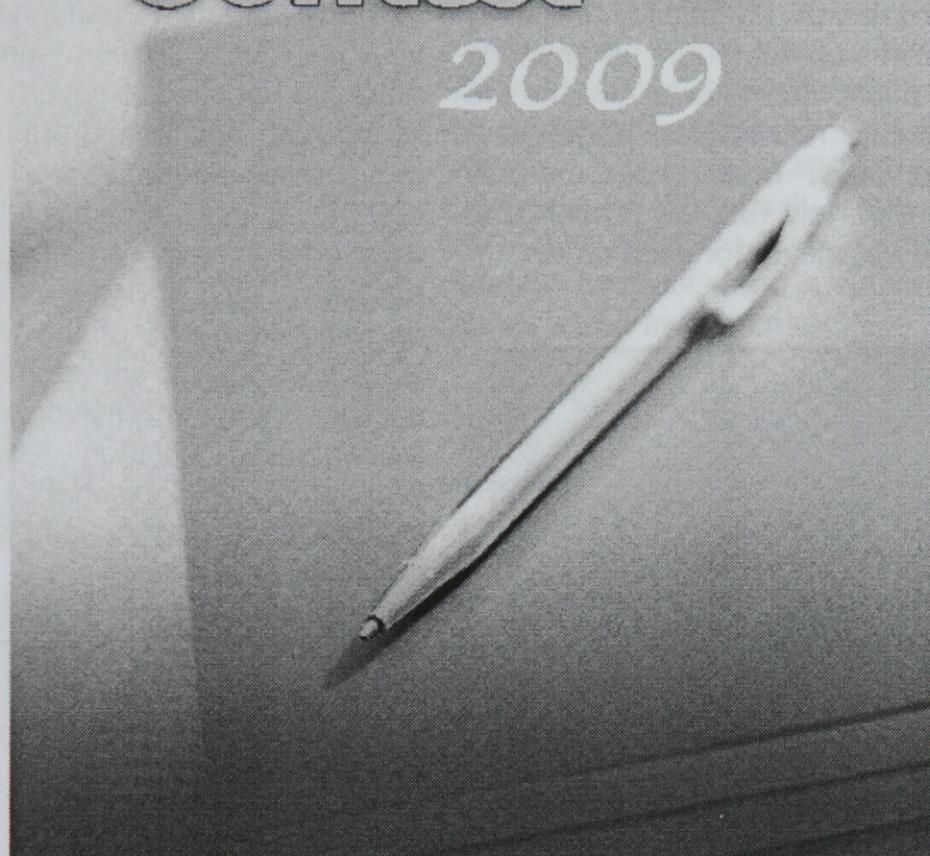


P R E S E N T S

ABC - QUÉBEC

Legal Essay Writing Contest

2009



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To participate*, you must
submit a legal essay
of 8 to 12 pages answering
the following question:

Can class actions
be useful for
the defence
of users' rights
in the Quebec
health care system?

The Essay must
be submitted
by May 29, 2009.

* The Contest is reserved
to the students registered
in an undergraduate program
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at gcahana@abcqec.qc.ca

Yes, Virginia, There Is (Paid) Work in Human Rights

by Stefanie Jones* (ALUM I)

When I was a student, the Quid and other people's stories about life after law school, especially those confirming the existence of human rights jobs, encouraged me through first year, civil law basket-fillers, recruitments, and near-resignation to life as either a professional unpaid intern, or a corporate doppelgänger. So I decided to respond to HRWG's call for Quid articles by sharing my scenic route to gainful human rights employment.

The Road Less Travelled

As a "mature" student, having studied Sociology/Anthropology and Asian Studies, I interned at a Thai human rights NGO, and worked in immigration consulting and refugee resettlements. I also chose "the road less travelled" as the theme for my personal statement. Evidently, this presented a more acceptable explanation for my non-linear career path than my still-held belief that I will have a 5-year plan when I have a communist country.

On the one hand, McGill let me in, but on the other, they imposed a 3-, 3.5-, or 4-year plan. I started first year vacillating between a 3- and 3.5-year plan, and finished third year with an innovative 3-plus-a-summer plan – consistent with my personal statement, if not articles. However, in first year, I was still more interested in human rights internships.

Road Closed – Detour

I applied in first and second year to the McGill human rights internships, specifically Africa and Middle East Refugee Assistance (AMERA). In first year, I didn't even get an interview. In second year, I thought my profile screamed "refugee assistance", but the interviewing committee heard "Asia". However, I also applied independently to AMERA, and I was fortunate (or persistent) enough to be accepted as one of the

last batch of 3-month summer interns.

Wrong Turn

I came back excited about my summer in Cairo and my refugee legal aid experience, less so about my finances. Recruitment was in the air, and I was seduced by the siren song of New York summer salaries. My inability to convey enthusiasm in cover letters for anything beyond public international law and pro bono practice nevertheless netted several interviews. Dear reader, my only judgment of New York law firms is that we were not meant for each other:



Me: I see many interviewers are M&A partners. Do you view hiring as more of a merger or an acquisition?

Interviewer: I view it as more of a blind date!

All Roads Lead to ... Bangkok!

In third year, uninspired by recruitment or study abroad, I abandoned the 3.5-year plan for a 3-plus-a-summer plan. Although I applied to government, public interest, and immigration firm articles, I really wanted to work abroad. I cast my resumes upon the internet, and a job offer actually came back after not too many days. It had been advertised on ReliefWeb, one of the few law-related postings for something between another unpaid internship, and a senior management position requiring 5+ years progressive experience, a specialized master's degree, and specialized language proficiency.

Since last August, I have been in Bangkok as Legal Services Director at Asylum Access, a US-based NGO promoting refugee rights in countries of first asylum through legal aid, policy advocacy, and strategic litigation. In our second year of operations, we focus on legal assistance with UNHCR refugee status determination (RSD) in a country that has not signed the 1951 Refugee Convention and does not distinguish between refugees and illegal immigrants.

I expect I was hired not only for my prior Thai human rights and refugee legal aid experience, but also for my passion for the cause. The work is fascinating, frustrating, rewarding, challenging, and exhausting; the people, as one exile wrote of her homeland, "delight and infuriate at short and frequent intervals"; and I draw on all my resources – anthropology or law, Chinese or French, coffee or Coke – almost every day. So I got my dream job and I lived happily ever after ... but no, that is not the end.

Every Day Is a Winding Road

Coming to human rights through law, there remains the small matter of the bar – some bar, any bar. In human rights, a bar (or, for that matter, a law degree) may not be necessary, but the lack of one may not always be sufficient. Supervising qualified lawyers, for example, is an interesting proposition when you are straight out of law school and not one yourself.

My New York recruitment experience solidified my resolve to apply only for things I had a reasonable intention to accept if offered. Therefore, I thought long and hard when, in January, the Department of Justice arose like a phoenix from the ashes with an offer of an articling position in ... legislative drafting for Transport Canada?! My first-year Legal Meth statute drafting exercise had been my first "A" in law school, and I had carried on a not-so-secret love affair with the cite guide. From policy advocacy to rule of law, legislative drafting seemed promising. But transport? Then the Rohingya boat people story hit the news, a Muslim minority from Burma interdicted and turned back to sea by the Thai authorities. Much of the legal analysis has rested less on human rights or refugee law than that bane of my existence, the law of the sea. Evidently, there is some relationship between human rights and transport, certainly in the refugee context. So I am beginning to reconcile myself to leaving Bangkok for Ottawa this August ... but that is not the end. Do what you love, and the money (eventually, even if it still isn't very much), the bar (eventually, even if it is transport), and who knows what else will follow!

* Stephanie Jones graduated in October 2008 and is currently Legal Services Director at Asylum Access Thailand in Bangkok. This article is, of course, written entirely in her personal capacity. She can be contacted at stephanie.jones2@mail.mcgill.ca.

Here's to You, Mr. Passat

by **Benedicte Martin (LAW III)**

It was a blustery December morning. The kind you long to spend cocooned inside of your warm duvet. A chilling wind whistled outside my window. The streets were blanketed with snow. Schools were closed, ploughs weren't yet out. The world seemed to be at a standstill.

But standing still isn't my forte. Swept up in pre-exam stress I had mens rea to master, the theory of the firm to comprehend, and a lot of anxiety to spare. So I decided to do what many law students do when we can't take it anymore: I hit the gym and ran off my extra steam. With each stride I felt more alert, more ready to conquer the dreaded textbooks and massive summaries which awaited me.

I remember the moment well. Feeling reinvigorated, I traipsed through the snow on my way home from the gym, running through the differences between mental disorder and non-mental disorder automatism. One minute I was prancing along happily. The next, I experienced a "whoosh" of my own and found myself face down on the sidewalk.

I had slipped on a patch of ice and could not get up. Why why why had I been so engrossed in my textbooks that I couldn't spare a second to glance at the Montreal Gazette's cover page that morning?! Its headline was a warning to pedestrians from emergency room doctors to be careful on the icy sidewalks! It was awful. Blood everywhere, my knee was throbbing, and I couldn't move.

Before I even had the time to panic, a man had stopped his car, lifted me up and offered me a ride home. My brain told me that accepting a drive from a stranger was a no no, but my aching leg told my brain to keep quiet. Plus I only lived a few blocks away.

He brought me home, I went to the clinic, and had 7 stitches in my knee. Just what every law student needs the

day before she writes 2 consecutive exams.

But that's not the point. The point is this man's immediate impulse to stop his car and help a complete stranger. He acted not because he feared liability for failing at his legal duty to rescue under art. 2 of the Quebec Charter. He acted because he had a good heart. And for this I want to thank him.

I wanted to bake him brownies or buy him a bottle of wine to tell him how much I appreciated his kind act. Who knows? Without him, I may still be lying on that Westmount sidewalk today. I've ransacked my mind for ideas on tracking him down but to no avail. Hmm... I don't know his name, but I do know he was middle aged, dressed in a black suit, wearing a silver watch, and driving a Volkswagen Jetta. Or was it a Passat? So, a middle aged man in a suit driving a shiny black car through Westmount. The odds of finding him are clearly against me.

Honestly, I thought people like this man were verging on extinction. People who stop spontaneously to help, at rush hour, even when it's not slotted into their blackberries. People who are willing to arrive late for their meeting to help a complete stranger. This man stepped into my life for a mere half hour, but he has left me a better person. He refreshed my faith in our community. Yes, we speak different languages, come from different backgrounds, and all have places to be. But when you are injured on a sidewalk, know that someone will soon come to help you up. Wherever you are Mr. Passat, thank you.

JUSTIFIED.

by Abigail Becroft (LAW II)

I can justify anything. Like most of my colleagues, this is not because I am a law student, but why I am a law student. While this has always been a rather annoying characteristic to my family and friends, I believe I can finally use it for the good of others. In the coming weeks I will use this column to help my classmates justify different aspects of our law student life. I will give you peace of mind for the shortcuts you take and the procrastination techniques you utilize, all towards the ultimate goal of allowing you to live a guilt free slacker/ procrastinator law school life. You are welcome in advance.

Justification- using summaries.

In this first week of my column I am just going to go for the gold. And by gold, I of course mean summaries. They are as valuable to us as that highly sought after precious metal. Nonetheless, we cannot help but be afflicted with a nagging sense of shame and slackerdom when we find ourselves completely depending upon the hard work of one of our legendary predecessors. But do not worry, I am here to free you of that shame. Because not only can I condone the usage of the *prêt-à-étudier* summary, but I can commend this phenomena as an integral aspect of our legal training; a skill that when executed correctly, mirrors exactly what we will need to do when we leave these hallowed halls and actually start receiving paychecks instead of loan checks.

1. We are learning to triage

Like our med-student colleagues up the hill (who often invade our caf and snatch prime real estate in Nahum Gelber), we law students are learning to triage. For those of you not familiar with this medical term, let's turn to our good friend Wikipedia for a definition:

Triage is a process of prioritizing pa-

tients based on the severity of their condition.

Lawyers are a lot like doctors, except we go to school for a semester or two less, and we don't save lives, we save asses. But basically, we're the same. You have a lot of clients, calling you all at once, all wanting your attention and all wanting your time. How do lawyers deal with this? Like doctors, they triage.

Thus this is an important skill for us to learn in law school. Our days are busy, our readings are plenty, and our social lives are an endangered species. We need to prioritize our responsibilities based upon the "severity of their condition." Consider your readings to be the old lady that comes in complaining of a nagging cough, your paper due tomorrow as the 8 year old that comes in with a broken arm, and your social life the 40 year old man in cardiac arrest. You're students of the common law....you finish the analogy. Summaries allow us to triage.

2. We are learning to trust others' work

This is really part of triaging. Doctors have to trust nurses, lawyers have to trust paralegals, and law students need to trust classmates. We can't all do everything (well some people can, but they freak me out, and will most likely be the topic of another column). We must be willing to let go. Take those type A control-freak personalities and bring it down a notch. Law firms might not be like consulting firms where people sit around conference rooms holding hands and singing kumbaya, but they are well oiled chains-of-command where different people do different segments of a deal or case. Consider the summary author like the first year associate who does the due-diligence (and probably also got an A doing it), and you get to be the partner who goes into court to argue the case (ie write

the exam). Your summary guilt should be lifting already.

3. We are learning to spot check

The first and only time I ever cheated on a test was in first grade. I was a horrible speller. I had no problem acing those "which one doesn't fit" tests, and I was even a super-star adder and subtractor (though by the time we got to long division in the third grade my parents had already cut MIT from the colleges I would be applying to). But spelling...I just couldn't master spelling. So I devised a plan for the weekly Friday spelling test. I studied for the test, but as I back-up, I wrote the words on my desk on Thursday afternoon. Sure enough when I arrived on Friday morning they had survived the janitor's cleaning, and as I sat there clutching that freshly sharpened number 2 pencil I began copying the words off my desk. Then I got to the word "story"...except the word written on my desk actually spelled "stoy"....something seemed wrong. But that's what my cheat sheet said. My mind raced...do I trust my instincts or the cheat sheet, instincts or cheat sheet? I went with the cheat sheet.

Some people say that everything they need to learn they learned in kindergarten. I've always been a little slow, so for me, it was first grade. But besides learning that cheaters never prosper, I also learned to trust that god-given checks and balance system we call common sense. And this is what we have to do with summaries in law school and this is what we will do as overloaded attorneys in the "real world." Now don't get me wrong, I am not equating summaries to cheating, but what I am saying is- don't be an idiot! Make your summary shopping experience an opportunity to use your brain. Spot check. Ideally you have been attending class and have some sort of finger to the wind as to what is going on in a course. So you should be able to spot the bad apple, the unreliable summary. And when faced with the questions- of your brain or your "cheat sheet"- choose your brain. This is what we will need to do as lawyers. For the most part we need to trust our

colleagues and learn to delegate and triage (see points 1 and 2), but we are also learning to develop a keen eye as to what to trust and not to forget our old friend, common sense, who sometimes gets neglected here in CDH.

4. We are learning to get to the point

Before becoming a full time Chancellor Day Hall rat, I had a two year stint as a legal assistant at a law firm. I remember the first research memo a partner asked me to do. I remember fastidiously reviewing all relevant treatises, scholarly articles and peer law firm publications. I produced a thorough review of the material, cited all relevant sources, and carefully crafted a 4 page explanation of how the particular law in question had been applied in different contexts over the last five years. Perfectly formatted and re-read for typos approximately 37 times, I proudly presented the product of my sweat and toil to the partner as he waved me in while writing an e-mail, thumbing through client file folders piled on his desk, and

muting the conference call he had on speaker phone...."what do you got for me?" he asked...I handed him *mon oeuvre*. He looks me straight in the eye- "kid, I don't need a book report, I just want to know- yes or no?"

- "Oh...well, Yes"
- "Why?"
- "Well, I guess because X,Y and Z law firm are doing that."
- "Great, thanks. Good job."

With that the partner swirled his chair around back to his computer screen, un-muted the conference call and slipped my four pages, four days of work and four cancelled dinner dates into one of those client files, never to be seen again. I could have given him that answer in the first 4 minutes.

What does this have to do with summaries? At the end of the day, what we need to know is the ratio, not the obiter. Sure, we will have the occasional opportunity on an exam to wax prophetic about Happy-Dubé's most recent dissent, and our classroom discussions are

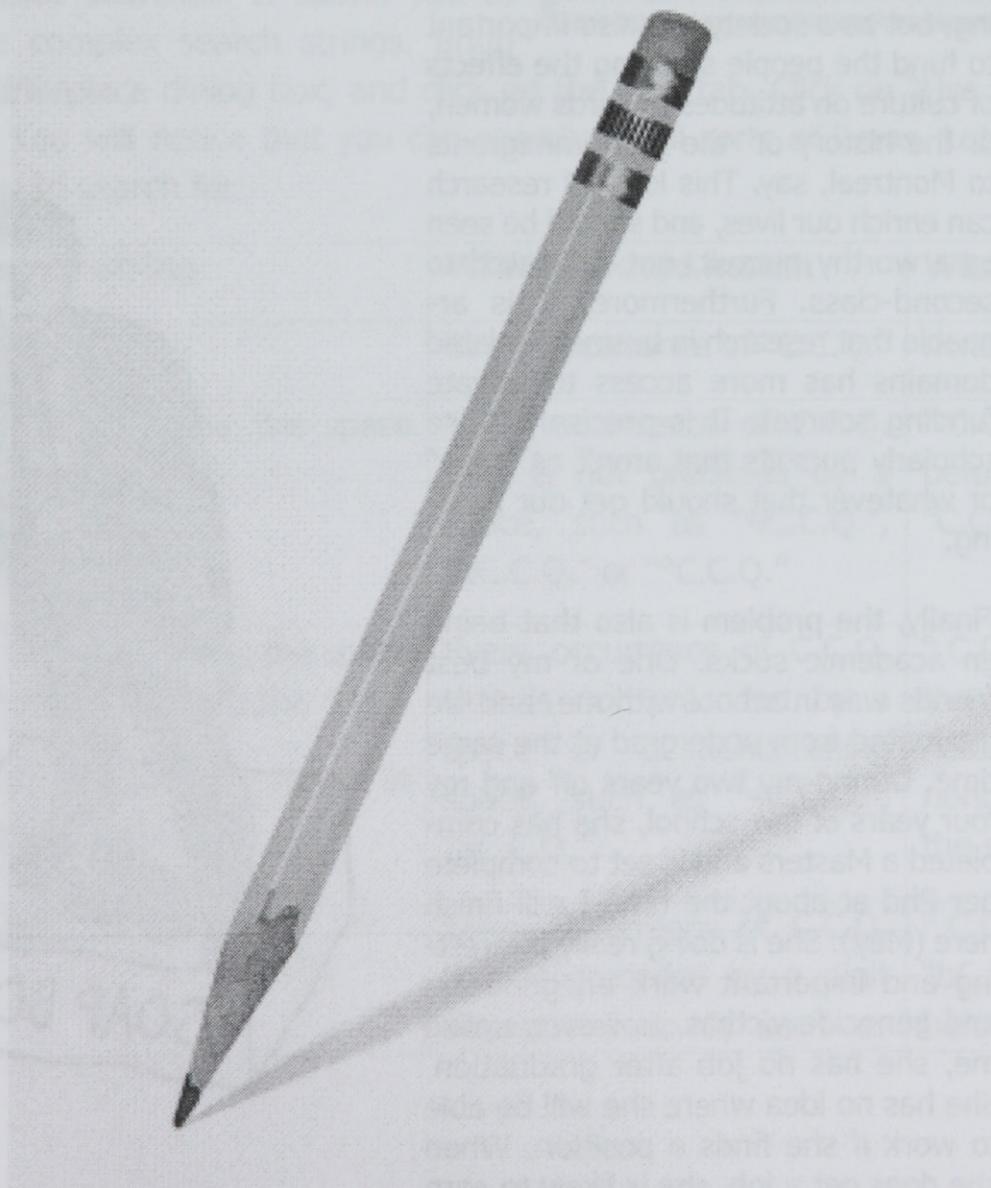
enriched by debates about the perspectives of different judges and the societal implications of a particular decision. But when it comes to the final, and you have 15 minutes left and you are only half way through the fact pattern, what are you looking for? The ratio. Just like my boss who was on a conference call, writing an e-mail and researching client files simultaneously, you won't have time for a book report.

For those of you who will try to poke a hole in the argument saying that the point is to go through all the material myself and create a succinct study guide based upon my extensive reading and thoughtful pondering...please see points 1 through 3.

Using summaries made by someone else?

Justified.

(So I better be seeing you at coffee house this week. I'll be doing a sweep of the library at 5pm).



The Soapbox

by Alison Glaser (LAW IV)

So, I'm not usually very political (I know, I know, I was the Law Senator, but I didn't do nearly as good a job as Erica and Faizel). But some things just really make me mad and I feel the need to express it. As part of the budget, the Conservative government has earmarked a bunch of new money for SSHRC grants. Sounds great, right? Well, apparently they will be restricted to business grads, which I think is insane.

I found out about this through the magic of facebook. Here's what the group **"Stop the feds from earmarking SSHRC funds for business grads only!"** found at http://www.facebook.com/group.php?g_id=48502692549 had to say:

"The Canadian government has placed a very nasty and apparently ideological condition on temporary funding increases for graduate studies in the arts and social sciences in its 2009 budget.

NSRC (science) and CIHR (health) both get more new funds than SSHRC, the main funding body for graduate studies in arts, humanities and social sciences. That's understandable, given the higher costs of research in science and health. However, the additional SSHRC funding is to be made available only to business students.

In fact, although I hope this is only clumsy wording, it looks like the Conservatives are demanding that ALL scholarships provided by SSHRC be for business-related degrees only.

...
Here is the offending passage from "Further Developing a Highly Skilled Workforce":

"Budget 2009 builds on investments made in the previous two budgets by providing an additional \$87.5 million over three years, starting in 2009-10, to the federal granting councils. This funding will temporarily expand the

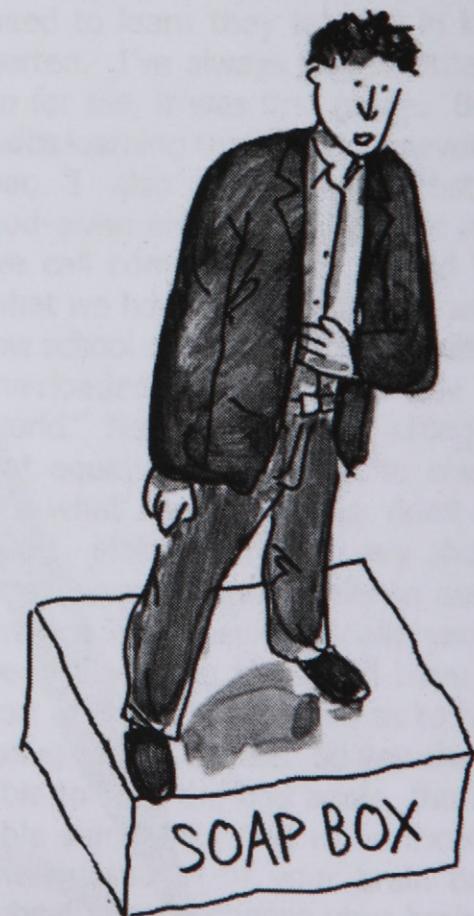
Canada Graduate Scholarships program, which supports Canada's top graduate students. This includes \$35 million for each of the Natural Sciences and Engineering Research Council of Canada and the Canadian Institutes of Health Research, and \$17.5 million for the Social Sciences and Humanities Research Council. These funds will provide for an additional 500 doctoral scholarships, valued at \$35,000 each per year for three years beginning in 2009-10, and an additional 1,000 master's scholarships, valued at \$17,500 each for one year, in both 2009-10 and 2010-11. Scholarships granted by the Social Sciences and Humanities Research Council will be focused on business-related degrees."

The problem with this, as I see it, is the implication that Humanities and Social Sciences are less worthy of funding than other domains. I think this is an insidious attitude that could really do some harm. Knowledge is important, and there are many worthy areas of study that are not strictly speaking "practical". I think we'd all agree that cancer research should get lots of funding, but as a society it is also important to fund the people studying the effects of culture on attitudes towards women, or the history of the Irish immigrants to Montreal, say. This kind of research can enrich our lives, and should be seen as a worthy pursuit, not relegated to second-class. Furthermore, it is arguable that research in business-related domains has more access to private funding sources. It is precisely those scholarly pursuits that aren't as "sexy" or whatever that should get our funding.

Finally, the problem is also that being an academic sucks. One of my best friends was in school with me, and we graduated from undergrad at the same time. During my two years off and my four years of law school, she has completed a Masters and is set to complete her PhD at about the time I will finish here (May). She is doing really interesting and important work on genocide and genocide victims. However, unlike me, she has no job after graduation. She has no idea where she will be able to work if she finds a position. When she does get a job, she is likely to earn

a fraction of what I will earn. And this is pretty normal for academics. Can you imagine if most people graduating from law didn't actually get a job? There would be riots. I am not saying that all of our tax money should go and support academics because life is tough for them, but I do feel, given the valuable work they do, that they should be recognized, and not made to feel second or third class through the restriction of funds to other disciplines.

So what to do? The Facebook page has lots of suggestions of people to contact, but I would start by writing to your MP and encouraging them to take this up as an issue. Spread the word, and maybe the issue will reach such a tipping point that the government will back down, like with the cuts to arts and culture. Most of all, keep your eyes out for these stories. The internet is a wonderful tool that can bring things to people's attention that otherwise might just slip by. We have a voice, so we should use it.



Computer Corner: If you are doing “this” in Microsoft Word, there IS a better way – part 4

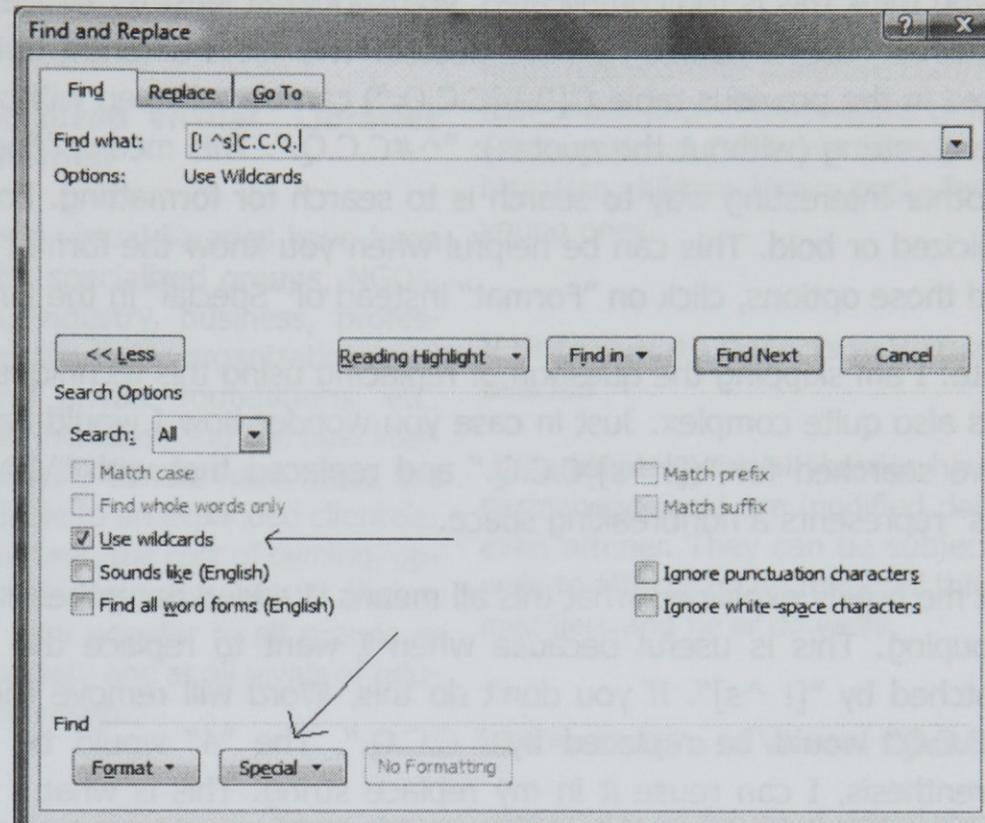
by Narimane Nabahi (LAW III)

Wildcard search (and replace)

Goal: You realize that you haven't been consistent and sometimes forgot to put a space between the article number and “C.C.Q.” For example, imagine your text reads: “Article 1 C.C.Q. mentions civil rights, and so does art. 4C.C.Q.” Imagine you have done that mistake multiple times. How do you add the missing spaces throughout your document?

Manual method: You start searching for C.C.Q. in your document and manually add a space. Alternatively, you do a search and replace of “C.C.Q.” to “ C.C.Q.” but accept or reject changes individually.

Solution: In Word, you can do something called wildcard searches. It allows you to enter more complex search strings. Bring up the Find/Replace dialog box, and click on the Find tab. Click on “Use Wildcards”. Click on the “Special” dropdown. You will notice that you can search for all sorts of items. Let me just give you a few ideas of what you could search for:



Search string	What it would match	What it would not match
C.C.Q.	Every occurrence of “C.C.Q.”	none
[!]C.C.Q. (Note the space between ! and])	Every occurrence of C.C.Q. that is not preceded by a space, such as “4C.C.Q.”, “aC.C.Q.” or “°C.C.Q.”	“ C.C.Q.” (Note the space before the quote (“) and the “C.C.Q.”)
[! ^s]C.C.Q. (Note the space between the ! and the ^) (This example is shown in the screenshot).	Every occurrence of C.C.Q. that is not preceded by a space or a nonbreaking space, such as “4C.C.Q.”, “aC.C.Q.”	“ C.C.Q.” or “°C.C.Q.” (Note the space before the first “C.C.Q.” and note the nonbreaking space before the second “C.C.Q.”)
[0-9]C.C.Q.	Every occurrence of C.C.Q. that is preceded by a digit between 0 to 9, such as	“ C.C.Q.”, “°C.C.Q.” or “bC.C.Q.” (Note the space before the first “C.C.Q.” and

	"4C.C.Q." or "2000C.C.Q."	note the nonbreaking space before the second "C.C.Q."
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As you can see, these can become quite complex but can be tweaked to deal with many situations. This function can be particularly useful when you are merging two documents written by two different people.

If you think this is too complicated, you should at least try to see what type of "Special" items you can look for when "use wildcards" is not selected. The list is different but also useful. For example, the last search listed in the previous table ("[0-9]C.C.Q.") can be achieved without the "use wildcards" option by using this search string (without the quotes): "^#C.C.Q.". This means "find any C.C.Q. that is preceded by a digit." Another interesting way to search is to search for formatting. For example, you can search for text that is italicized or bold. This can be helpful when you know the format of something you are trying to search. To find those options, click on "Format" instead of "Special" in the Find dialog box.

Note: I am skipping the question of replacing using this technique because even though it is quite powerful, it is also quite complex. Just in case you wonder how I would have really solved the first problem, I would have searched for "([! ^s])C.C.Q." and replaced that with "\1^sC.C.Q.". Remember that in this context, "^s" represents a nonbreaking space.

Let me briefly explained what this all means. I added parenthesis around "[! ^s]" to tell Word this is my first grouping. This is useful because when I want to replace the search string, I want to keep what was matched by "[! ^s]". If you don't do this, Word will remove the character matched by that element. My "4C.C.Q" would be replaced by " C.C.Q.". The "4" would be deleted. By putting the first element in parenthesis, I can reuse it in my replace string. This is what I do here. I added "\1" to the front of my replace string to tell Word to re-add the first element matched. This way, the digit "4" in "4C.C.Q." would be reproduced in the replace string, thereby yielding "4 C.C.Q.". I am amazed you made it that far. You can email me to collect the ten thousand dollars prize.

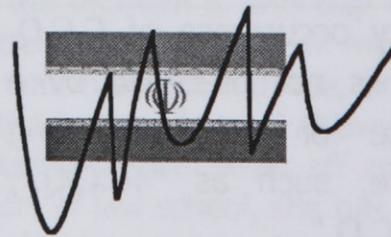
More information on wildcards: <http://word.mvps.org/faqs/General/UsingWildcards.htm>

*You can find this column **with hyperlinks** online at www.twistlaw.ca. If you have any questions, suggestions for future columns, or if you want to collect the ten thousand dollars prize, email me at Narimane.nabahi [A...T] mail.mcgill.ca.*

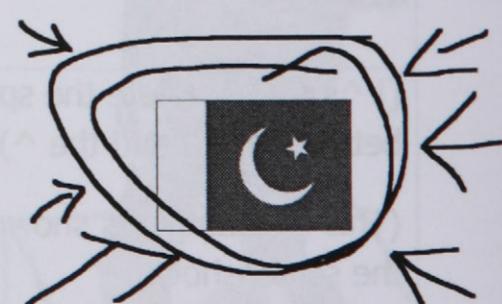
The Sum of All Fears: No, not Iran, it's Pakistan.

by Alex Buzoiu (LAW III)

In the last years of the Bush administration we kept hearing that Iran was up to no good. That we had to watch out and not be shy to intervene if it was necessary. During the 2008 presidential election candidates were asked "how they will deal with Iran." Of course, the general answer orbited around "we will use force if we need



to, and chances are we won't talk to them before dropping bombs on them." Of course, Obama had a more stylish approach that differed from the other candidates. But it was all rather irrelevant. The real **global** threat is Pakistan. In fact, since the departure of General/President Musharraf, Pak-



istan accelerated its fall down the rabbit hole.

(continued on page 27)

THE VIRTUAL LIBRARY

by Professor Tetley

I Personal Computers in the Classroom

A new phenomenon has surreptitiously invaded law schools in the last five to ten years: the reliance of many students on the law books, law articles and even texts of statutes and legislation found online, rather than on the shelves of the Law Library.

("Online", incidentally, would seem to be replacing such terms as "the web" and "www" in modern computer jargon).

Students attend lectures in law school as before, but most students today take notes on their laptops, i.e. their personal computers. The result is deemed to produce and probably does produce more effective classroom notes and classroom learning. The methodology is even effective in law courses built around discussion, debate and student presentations, because professors now lecture in the classroom from films, "PowerPoint" and similar software.

Recently, I was surprised that that two of my students, during a private tutorial I had with them, had neither a pen nor a pencil, but were satisfied to take notes on their lap tops, which they did effectively. Neither carried either a pen or pencil with them during the day!

II The Emergence of The Virtual Library

The personal computer (laptop) in the classroom or in the Law Faculty library or when the student studies at home has been made possible by a most important scientific development (call it an invention, if you will), and that is the virtual library. Now undergraduate students, graduate students and professors alike, do much of their research on the web and not in the books on the law library shelves. This is true as well in respect of much legal research done in law firms and in corporate law departments and even by the public in

general.

The virtual library requires no books or library building or extensive staff. The cost of operating a virtual library is thus a fraction of operating a real library.

III Specialized Virtual Libraries Have Emerged

Specialized virtual libraries have been created by specialized groups, NGOs, churches, industry, business, professional and charitable organizations and public and private foundations, etc. Population increases and the new literate and leisure classes have made the web available to an expanded clientele. Most important, the cost of owning, operating and using the virtual library makes it very popular to all groups in modern society and at all levels of education and wealth. .

IV A Catalogue of Some Virtual Libraries (A Virtual Library of Virtual Libraries)

With a little research in my virtual library, I was able to find innumerable Virtual Libraries. Those Virtual Libraries most familiar to law students include:

- Quicklaw: <http://www.lexisnexis.ca/lawschools/facultes.php?section=quicklaw>
- AZIMUT: www.azimut.socijij.qc.ca
- WestlaweCarswell: www.westlawe-carswell.com
- Droit civQil en-ligne : <http://www.editionsyvonblais.qc.ca/Produits/589.asp>
- HeinOnline: www.cajj.qc.ca/pages/apropos/heinonline
- JSTOR: www.jstor.org.

But there are many many more virtual libraries, herewith a tiny sampling:

- Bored.com: <http://www.fullbooks.com/> - for those who need a cheap thrill!
- The Online Books Page: <http://onlinebooks.library.upenn.edu/lists.html>

- Classic Book Library: <http://classic-book.info/>
- LibriVox: <http://librivox.org/> - To listen rather than read the book.
- FullBooks.ca: <http://www.fullbooks.com/>
- Read Print: <http://www.readprint.com/> - list of full classic books.
- The Literature Network: http://www.online-literature.com/author_index.php - From Adams to Zola.
- International Children's Library: <http://en.childrenslibrary.org/> - for the young ones.

V Unfortunate Defects in Virtual Libraries

Unfortunately virtual libraries have no permanence and are modified daily or even oftener. They can be subject, as well, to attacks by professional thieves, meddlers and ne'er do wells.

VI The Future of Virtual Libraries

The long term future of virtual libraries is unknown, and in the short term (one to three years) is dependent on the almost daily advances in science and in the accumulation of knowledge and data, including its organization, presentation and cataloguing.

And is there a limit imposed by man's interest in knowledge? Could there be a slowing down in research? Could there be a slowing down in the study of material matters, to be replaced by a new direction and interest in non-material questions, such as ethics, belief and God?

The Catholic philosopher Alasdair McIntyre sees this happening only when society ultimately breaks down in the far, far distant future into small moral communities. McIntyre believes these communities will be able to resist the attractions and blandishments of the internet and material knowledge as they have evolved by then.

For the present, the internet and the laptop have caught us in their web causing us to be willing devotees and beneficiaries of the Virtual Library. And

then there is the Virtual Museum, but that is another story!

VII A Personal Commentary

I started out as a law student at McGill in 1948 when there were no personal computers in the Faculty or elsewhere. After eighteen years in law practice, and eight years in the Quebec government, I came to McGill in 1976 to teach and even then there were no personal computers, used by the professors or stu-

dents. The secretarial staff worked on computers but we continued in the old way.

Now however, the teaching and study of law have been completely transformed by the internet and the personal computer. Now I work on a computer in the office, while, at home, I work without a computer, but with my familiar, old fashioned books and legal texts. The compromise therefore is a happy life, with the web in the office and without it at home.

Most of my classmates from high school (sixty years ago) and from university (in the 1950's), have kept up with the web. We are all in our eighties, however, and soon our generation will have gone.

Thereafter, a happy, productive life without a computer will be a thing of history! Plus ça change, plus c'est pareil!

Landmines Panel Discussion

DISABILITY & THE LAW

Just before the break, *Disability & the Law* hosted its major event of the year, a panel discussion on the Ottawa Convention to Ban Antipersonnel Landmines. We were joined by Cameron McCauley, a health specialist from Survivor Corps who works with landmine survivors from all over the world; Christa McMillin, a program officer for Mines Action Canada, an NGO which helped to bring the Ottawa Convention to the forefront of the Canadian diplomatic agenda in the 1990s; and Anne Woodbridge, the Mine Action Director for the Canadian International Development Agency. The three speakers provided different perspectives and levels of analyses and generated an interesting discussion on the plight of persons with disabilities around the world.

Disability & the Law would like to thank our co-hosts, the Human Rights Working Group and the McGill International Law Society, as well as our sponsors: the Law Students' Association, the Students' Society of McGill University, the Campus Life Fund, QPIRG and the McGill Alumni Association for their generous support. We would also like to thank our attendants, ranging from law students to members of the wider McGill community.

For comments or questions about *Disability & the Law* please contact us:
disability.law@mail.mcgill.ca.

(continued from page 24)

Statistics behind the threat (CIA World Fact Book)**Name:** Islamic Republic of Pakistan (meaning of Pakistan: Land of (the) Pure, in Urdu and Farsi).**Population:** 172, 800, 048**Age structure:**

- 0-14 years: 37.8%
- 15-64 years: 58%
- 65 years and over: 4.2%
- Median age: 20.5 years

Unemployment: 7.4% PLUS substantial underemployment (this was estimated in 2008; economists say that the next quarter numbers will show some considerable increase).**Literacy:** Total population 49.9%
Male 63%
Female 36%**General economic state:** An impoverished and underdeveloped country, has suffered from decades of internal political disputes, low levels of foreign investment, and **declining exports** of manufactures.

Due to the economic underperformance, Pakistan has a chronic difficulty in providing its population with available healthcare, sanitation, employment programs, and help for the poor.

Border issues: Pakistan is one of the parties involved in reaching a solution over the world's largest and most militarized territorial dispute: Kashmir. Furthermore, it has an incredibly **porous** border with Afghanistan.**Nuclear Weapon(s):** Oh yeah baby: estimated at 60 active warheads.**In short: what makes it "the" threat?**

Since the assassination of Benazir Bhutto, Pakistan is excessively unstable. Taliban-like groups are gaining power, support, and weapons. The population suffers, and always has been suffering, from relatively high, to sometimes very high, unemployment rates and underemployment. The population is very young. A significant part is illiterate. Thus, you have a bunch of young people with a lot of time on their hands. You know what they say: "idle hands are the devil's tools."

Add to this the fact that the Pakistani state never did a great job at providing the basic necessities of life to most of the population, and thus Mosques and Madrasas stepped in. Do not misunderstand me; Madrasas are not a bad thing. They are schools and schools are good. But some Madrasas and even Mosques are infected with people that pervert the Qu'ran and indoctrinate these young idle people with dangerous ideas (this also applies to Saudi Arabia). People come to these institutions for food, comfort, and knowledge, and don't realize that some of these institutions are in fact modeling them into weapons.

Moreover, Pakistan – contrary to other "dangerous" countries – has nuclear weapons AND the means by which it can launch them. Finally, it never really got along with its geographical and historical neighbour, India.

All the latter are hardcore proven

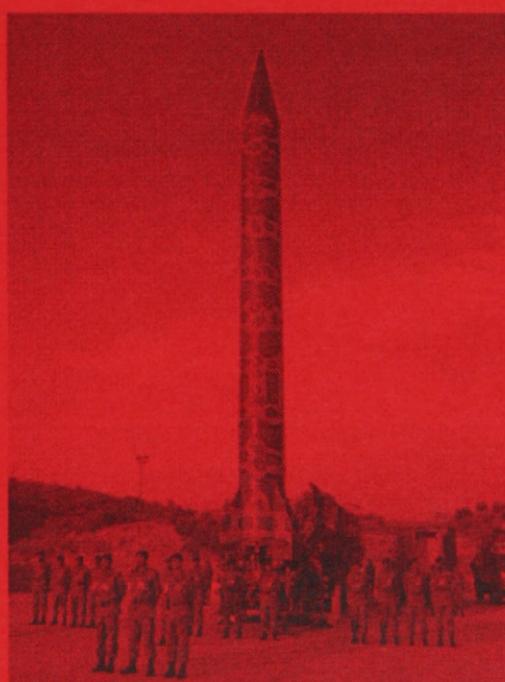
facts. I could add to this a wave of speculation by intelligence agencies as to the ties between Pakistani nuclear scientists and Taliban in the Pashtun tribal areas or the speculation that Pakistani military officers will be giving nuclear weapons to Iran. I prefer, however, not to venture down the slippery slope of speculation.

What should have been done?

Rather than focusing on the real problem after 9/11 – the Afghan Taliban – and trying to contain and "get them" before they permeated even further into Pakistan, there was an unnecessary war (Iraq). Even now rather than focusing on Pakistan, the American media and most politicians are fantasizing about Iran.

The focus should have never shifted, but George had a short attention span. But hey, what can you expect from a Yale/Harvard graduate?

Furthermore, George, with his MBA, should have known that protectionism does not help, it hurts. Rather than providing Pakistan's textile exports with access to American markets, George decided to bend to the American textile lobby; I guess he had shares. This is one of the key facts that played into the hands of the radicals. The Pakistani economy never picked up, thus misery and unemployment remained. All we have is the hope that Barack Obama does a better job keeping focused on the real issues. But keep in mind: he graduated from Harvard too, so who knows?



(In the Picture) The Ghauri Hatf-5 MRBM capable carrying nuclear/chemical/anti-tank warhead: estimated range from 1500 km (first models) - 4000 km (the new ones under development).

VALEDICTORIAN ELECTION/ ÉLECTION DU MAJOR DE PROMOTION

Valedictorian Election

To all 3rd and 4th year students graduating in May 2009!! (To the others: hang on in there, your time will come sooner than you think!)

The election of the valedictorian (you know, the student who's going to make a speech full of wit, emotion and depth in front of his/her professors, fellow-students and a room packed of tearful moms and Kodak dads) will take place from March 19 to March 25.

So if you think the class of 2009 deserves a taste of your Obamanian rhetoric, please submit your application to the CRO: cro.law@mail.mcgill.ca

All you need to do is send the CRO your blurb (maximum length: half a letter-sized page) explaining why you'll make the best valedictorian ever. Your blurb will be published in the Quid before the election. You may include a picture of yourself in your blurb, but please restrict your campaigning to your blurb (so no posters, Facebook groups, etc.)!

The deadline to send your application is **March 11, 2009**.

Élection du major de promotion

Oyé, oyé, étudiants en 3ème et 4ème année!!!

Si vous finissez vos études en mai 2009, ce message s'adresse à vous (et si vous ne finissez pas, eh bien, patience, ça va venir!).

L'élection du major de promotion (vous savez, le type ou la fille qui fait un discours full spirituel et émotionnant devant ses profs, ses camarades de classe et un parterre de mômans larmoyantes et de pôpas armés de caméras) se tiendra du 19 au 25 mars prochain.

Aussi, si vous sentez l'âme rhétorique d'un Obama, soumettez votre candidature pour être élu major de promotion au CRO : cro.law@mail.mcgill.ca

Tout ce que vous devez envoyer au CRO, c'est un court texte (maximum une demi-page 8,5 X 11) expliquant pourquoi vous ferez le meilleur major de promotion. Votre texte sera publié dans le Quid, juste avant l'élection. Vous pouvez inclure une photo de vous-même dans votre texte de présentation, mais SVP limitez votre campagne à votre texte (donc pas d'affiches, de groupes Facebook, etc.)!

La date limite pour se porter candidat est le **11 mars 2009**.

